

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 4 July 2008 at 10.00 a.m.

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: WLS Bowen, H Davies, DW Greenow, KG Grumbley, G Lucas, RI Matthews, R Mills, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling and JD Woodward

In attendance: Councillors SJ Robertson

16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors PGH Cutter, KS Guthrie, JW Hope and PJ Watts.

17. NAMED SUBSTITUTES (IF ANY)

MEMBER	SUBSTITUTE
WLS Bowen	B Hunt
KG Grumbley	RV Stockton
R Mills	KS Guthrie

18. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

19. MINUTES

RESOLVED: That the Minutes of the meeting held on 23rd May, 2008 be approved as a correct record and signed by the Chairman

20. CHAIRMAN'S ANNOUNCEMENTS

The following matters were reported:-

VISIT BY WYCHAVON DISTRICT COUNCIL

On 23 June the Council was visited by Wychavon District Council to be appraised of the planning policies the Council has in place for dealing with soft fruit production, polytunnels and migrant workers.

DEVELOPMENT REVIEW SITE VISIT

On 1st July the Committee carried out a review of the following development undertaken following the granting of planning permission

Harewood Park – re-use and refurbishments of rural buildings, including listed buildings, for a mixture of residential, office and live/work units;

Leadon Bank Ledbury– the decision of Planning Committee in 2005 to grant permission for a substantial new building at Leadon Bank. This development was the

subject of a referendum at the time by Ledbury Town Council in opposition to the scheme which affected the setting of nearby listed buildings and the outlook from nearby houses;

Hop Pocket, Bishops Frome – re-use of former farm buildings for a variety of rural enterprise schemes, employing around 80 people;

High Close, Bishop's Frome – replacement dwelling in open countryside built to minimise the carbon footprint mainly through heat conservation and management measures;

Ridlers Place, Upper Sapey – to see a former derelict industrial site redeveloped for a high standard of residential development;

Chapel Lane, Bodenham – to see examples of modern development in a main village and assess its quality in the village street scene;

Carfax House (site of) Aylestone Hill, Hereford – outcome of an appeal decision whereby permission was granted for a very modern design of flats in a Conservation Area.

The sites visited were a mixture of residential and commercial, and a mixture of Committee and delegated decisions. The possibility of a further round of visits will be considered, especially in the Central Area to consider examples of urban development and residential layouts in the light of the possible expansion of Hereford which is anticipated by the Regional Spatial Strategy.

REEVES HILL WIND TURBINE

The Council has received a planning application accompanied by an Environmental Impact Statement for the erection of 4 wind turbines at Reeves Hill in the northwest of the County. The application is in the midst of public consultation with a view to it being submitted to a forthcoming meeting of the Planning Committee. A site visit will be undertaken prior to the meeting and existing turbines nearby in Powys will be viewed to note their impact on a rural setting.

SECONDMENT OF DEVELOPMENT CONTROL MANAGER

The Development Control Manager has been seconded as Planning Policy Manager for a two-year period to head the Forward Planning Section. The Committee expressed its appreciation for all his help regarding development control matters and looked forward to seeing him in his new role.

21. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 4 June 2008 be received and noted.

22. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 11 June 2008 be received and noted.

23. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 28 May and 25 June 2008 be received and noted.

24. DCCW2008/0421/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL TO A TWO FAMILY TRAVELLER SITE INCLUDING SITING OF TWO MOBILE HOMES AND A TOURING CARAVAN FOR MR JAMES SMITH AND MR JIMMY SMITH AND THEIR RESPECTIVE FAMILIES AT THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU

The Central Area Planning Sub-Committee was mindful to refuse permission contrary to recommendation and the Council's planning policies. The Sub-Committee had noted the concerns of the objections from local residents and the Parish Council, was concerned at the perceived risk to the Scout Hut next door from antisocial behaviour, and mention was made as to the loss of trees. The Sub-Committee was of the opinion that there would be an unacceptable impact on the amenity of the locality and the countryside. Concerns were also expressed about the traffic on the road and the need to have an adequate access.

The Central Team Leader said that a further letter has been received from Herefordshire Travellers Support, which included a 30-signature petition in support of the application.

In accordance with the criteria for public speaking, Miss Reynolds spoke on behalf of Burghill Parish Council, Mr. Swancott spoke in objection to the application and Mr. Baines spoke in support of the application.

Councillor SJ Robertson, the Local Ward Member, made a number of comments on the application, including:

- the need for appropriate small sites was recognised, particularly in view of ODPM Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites, but the impact on the local community had to be considered also;
- the need for fairness and consistency was noted and attention was drawn to the fact that an application to vary condition no. 2 of planning consent DCCW2006/3153/F to allow sale of the property (if necessary) to another travelling family had been refused in December 2007 [DCCW2007/2057/F refers];
- local residents had expressed concerns about conditions on previous planning permissions not being complied with, felt that the development was visually obtrusive and that the land should revert to agricultural use; and
- based on the representations received and local knowledge, Councillor Robertson moved that planning permission be refused as it would have a detrimental impact on the amenities, settings and surroundings of the locality, particularly given the close proximity to the Scout Hut. She also considered that it would have a detrimental impact on highway safety, especially if the site was used for mixed residential and business uses which could increase vehicle movements on a stretch of road that already had problems with speeding traffic.

The Committee discussed the issues involved and the points that had been made in favour and against the application. Councillor GFM Dawe commented on the need for objectivity, noted that none of the trees that had been removed were protected, and reminded the Committee that the applicants were not responsible for any of the issues arising from the previous occupation of the site. He said that the application needed to be viewed purely on its own merits and that it complied fully with Government guidelines and planning policies. Councillor RI Matthews said that Burghill Parish Council had supported travellers elsewhere in the parish but felt that this site was too close to the Scout Hut and residential properties. He also felt that activities on the site could have an impact on the adjoining copse. He concurred with the Local Ward Member that the development would have a detrimental impact

on the area and on highway safety. Councillor WLS Bowen commented on the planning history and felt that there would be adequate planning conditions in place to meet the objections which had been raised. He recognised the concerns of the Local Ward Member but noted the difficulties faced by Gypsies and Travellers and felt that this development was acceptable having regard to the policy considerations detailed in the report. Councillor PM Morgan felt that the application was identical to the previous one which had been approved and that it was therefore difficult to refuse. She was however concerned at the access issues and felt that it was important for the required improvements to be made as a matter of urgency. The Central Team Leader said that this was covered by the appropriate conditions which required the matter to be addressed within a period of one month. Councillor KG Grumbley shared the concerns of others about the principle of the application being made retrospectively and whether there was a genuine provision for travellers or whether this and other sites constituted a form of land speculation. He was also of the view that such applications created a considerable amount of local controversy because the planning considerations for travellers were different than those for other residential or business applications.

In response to comments and questions, the Central Team Leader advised that:

- it was understood that the Scout Hut was a well-used facility by local community groups;
- a study in 2006 had revealed that 22 pitches were required in Herefordshire and another study in 2007 had provided evidence of demand for additional sites;
- the proposal met the criteria of Policy H12 as an exception site as it was adjacent to an identified main village, was small in scale, was well screened and there were adequate levels of amenity and play space for children within the site; and
- although some trees had been removed, no permission was required and there was still substantial tree coverage.

He added that planning permission could be granted on a personal basis to the applicants to enable the authority to retain effective control of the site. In response to further comments about the previously refused application and land ownership issues, he explained the reasons for refusal in relation to planning application DCCW2007/2057/F. He and the Development Control Manager reiterated that the application aligned with planning policies and government guidance.

Having discussed all the aspects of the application, the Committee decided that the views of the Sub-Committee could not be supported and that it should be granted but noted that it was important for the access issues to be addressed by the applicants within the prescribed timescale.

RESOLVED

That planning permission be granted subject to the following conditions in consultation with the Chairman and the Local Ward Councillor:

- 1. No more than two mobile homes and one touring caravan shall be stationed on the land at any time. No other structure apart from those existing on the site at the time of the application, including those permitted by the caravan site licence shall be erected without the approval of the local planning authority.**

Reason: In the interest of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

2. This permission shall endure for the benefit of Mr James and Mr Jimmy Smith and not for the benefit of the land or any other persons interested in the land. On cessation of their occupation the land shall revert to agricultural use.

Reason: The local planning authority wish to control the specific use of the land in the interest of local amenity and to comply with Policies DR2 and H12 of the Herefordshire Unitary Development Plan.

3. Notwithstanding the submitted plans and within one month of the date of this permission a new vehicle access shall be constructed providing visibility splays of 2 metres x 60 metres in each direction and any entrance gates set back 5 metres, full details of which shall be submitted for approval in writing of the local planning authority, and the access shall be constructed in accordance with the approved details and retained in perpetuity.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of the Herefordshire Unitary Development Plan.

4. G11 (Landscaping scheme – implementation).

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

5. H08 (Access closure).

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6. H06 (Vehicular access construction).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

7. No goods, plant, material or machinery shall be deposited or stored outside the buildings on the land hereby permitted unless otherwise agreed in writing with the local planning authority.

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

25. DCCE2008/1026/N - FORMATION OF EARTH BUNDS (8000 CU M OF IMPORTED SOIL) AS SCREENING ETC. AT THE OLD MUSHROOM FARM, HAYWOOD LANE, CALLOW, HEREFORD, HEREFORDSHIRE, HR2 8BX

The Central Team Leader said that the application had been referred to the Committee because the Central Area Planning Sub-Committee was minded to refuse permission contrary to the Council's planning policies and officer advice. The Sub-Committee was concerned that there was inadequate justification to have the bunds on the site and that lane which gave access to it would be adversely affected by the heavy vehicles travelling to and from it. He said that the application would involve only six vehicle movements a day for an eighteen-month temporary period. This would not generate any significant increase in heavy vehicles to the site which already had some commercial vehicle use. Any damage to the highway during the construction period which was attributable to the development could be dealt with under the Council's highway powers at the applicant's expense. A lorry routing agreement had also been prepared to prevent heavy vehicles travelling through Callow Village and along part of Haywood Lane.

Councillor GFM Dawe, the Local Ward Member, drew attention to the views of local residents to the proposals and noted that, whilst a number of issues could be addressed through the recommended conditions, there remained substantial concerns about the impact of the proposal on the local highway network and about the future use of the site. He also felt that the unnatural landforms created by the bunds were not in keeping with the local landscape. He was not convinced about the environmental benefits and limited impact of the proposal and had expressed concerns at the Sub-Committee meeting about the need for more rigorous waste management plans for new developments in order to reduce the need to dispose of construction related materials. The Central Team Leader advised that any further activities at the site would require another planning application and any such application would need to be considered on its own merits at that time.

Having considered all the aspects of the application, the Committee was of the view that there would be adequate conditions in place to address the concerns and did not feel that there were sufficient grounds to support the Sub-Committee in refusal.

RESOLVED

That planning permission be granted subject to the following conditions:

START AND FINISH OF PROJECT

- 1. A01 (Time limit for commencement (full permission)) (requirement for notification in writing to the local planning authority within seven days of start).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. Unless otherwise agreed in writing in advance the development hereby permitted, including final landscaping, shall be completed on the expiration of 18 months after the starting date as notified under condition 1 above, and no further material shall be imported after that date.**

Reason: To ensure satisfactory and timely completion of the development as applied for, to ensure no further material is imported, and to comply with Policies S10 and W8 of the Herefordshire Unitary Development Plan 2007.

3. B01 (Development in accordance with the approved plans).

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

PRE-COMMENCEMENT REQUIREMENTS

4. No development shall take place until a scheme for compiling a Site Diary for all deliveries of material to the site for the duration of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- (a) Delivery date and time.
- (b) Vehicle registration number.
- (c) Volume (cu m) or tonnage of material delivered.
- (d) Full description of material delivered.
- (e) Details of any rejected loads, unsuitable or unexpected material or items, and the action taken.

The Site Diary shall be maintained in accordance with the approved scheme until completion of the project, and entries shall be completed as soon as practical after load deliveries on a daily basis. The Site Diary shall be held in the applicant's or his successor's office and be made available for inspection on request during normal office hours by Officers of the Council or the Environment Agency. Within seven days following the end of each month after the start date as notified under condition 1 above until the development is complete, a written summary of the Site Diary giving daily totals of deliveries in terms of vehicle numbers, movements and quantities of material for the previous month shall be submitted to the local planning authority.

Reason: To enable a full record of deliveries to the site to be made available for inspection in the interests of highway safety and environmental protection, in accordance with Policies S1, S6, DR11, W2 and W8 of the Herefordshire Unitary Development Plan 2007.

5. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

6. No development shall take place until a method statement giving details of final landscaping, seeding and planting of the bunds has been submitted to and approved in writing by the local planning authority in consultation with the Council's Conservation Officers. The details should include:

- (a) A plan showing planting proposals.
- (b) A written specification describing the species, sizes, densities and planting numbers.
- (c) Details of cultivation and aftercare.
- (d) Timescales for completion.

The method statement shall be implemented as approved.

Reason: In order to ensure a satisfactory form of development and to conform with the requirements of Policy LA6 of the Herefordshire Unitary Development Plan 2007.

7. **Before the development begins, a scheme for the routing of delivery vehicles in connection with the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The scheme shall be thereafter implemented as approved until the project is complete unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of highway safety and to comply with Policies S6, DR3 and T8 of the Herefordshire Unitary Development Plan 2007.

PROTECTION

8. **G02 (Retention of trees and hedgerows).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

9. **No material shall be deposited, or development take place, within 10 metres of the existing hedgerow along the northeast boundary of the site.**

Reason: To protect the root systems of the established hedgerow from compaction or damage, in accordance with Policies LA5 and LA6 of the Herefordshire Unitary Development Plan 2007.

10. **Unless otherwise agreed in writing in advance by the local planning authority, there shall be no more than six vehicle movements into and six vehicle movements out from the site in any 24-hour period in connection with the development hereby permitted and recorded in the Site Diary required by condition 4 above.**

Reason: To minimise traffic impact in the interests of highway safety in accordance with Policies S6, DR3 and T8 of the Herefordshire Unitary Development Plan 2007.

11. **Unless otherwise agreed in writing in advance by the local planning authority, there shall be no more material imported to the site than the specific quantity necessary to construct the bunds as detailed on the approved plans. No bunds shall exceed 4 metres in height.**

Reason: To ensure a satisfactory form of development and to limit the amount of waste soil deposited, in accordance with the requirements of Policy W8 of the Herefordshire Unitary Development Plan 2007.

12. **In respect of the material to be used to construct the bunds hereby permitted, only pre-screened and treated inert material is to be brought to the site, from the applicant's own premises and from no other source, unless otherwise agreed in writing in advance by the local planning authority.**

Reason: In order to control the source and type of material used to construct the bunds in the interests of local amenity and to protect the

environment and prevent pollution in accordance with Policies DR4, DR11 and W8 of the Herefordshire Unitary Development Plan 2007.

13. F01 (Restriction on hours of working).

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

14. No mud or other material emanating from the development hereby permitted shall be deposited on the public highway.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

15. I44 (No burning of materials/substances during construction phase).

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives:

1. HN01 (Mud on Road).
2. HN21 (Extraordinary Maintenance).
3. N19 - Avoidance of doubt - Approved Plans.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

26. DATE OF NEXT MEETING

15 August 2008

The meeting ended at 11.47 a.m.

CHAIRMAN